

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MICHAEL L. DAYTON, ,)
Plaintiff(s))
)
)
v.
WESLEY GLEN FORT, ALBERT L.)
PROVOST, Individually, and ALBERT)
L. PROVOST d/b/a JUGGIE's)
CONCESSIONS, ,)
Defendant(s))
)
)

**STIPULATION OF
VOLUNTARY DISMISSAL
PURSUANT TO F.R.C.P.
41(a)(1)(A)(ii)**
Case No.: 07 CIV. 8643 (WCC)
ECF CASE

STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s) ALL DEFENDANTS pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii).

Signature of plaintiff or plaintiff's counsel

3250 Route 9W
Address

New Windsor, NY 12553
City, State & Zip Code

(845) 562-9020
Telephone Number

Signature of defendant or defendant's counsel

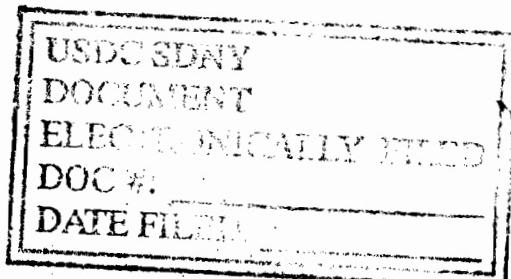
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Address

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City, State & Zip Code

(845) 565-1100
Telephone Number

Dated: July 29, 2008

Dated: August 27, 2008



SO ORDERED.
Dated: White Plains, NY
Sept. 5, 2008

William C. Conner
WILLIAM C. CONNER, Senior U.S.D.J.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL L. DAYTON

Plaintiff

07 cv 8643 (WCC) ()

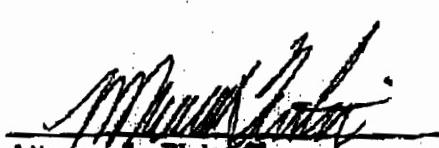
v.

WESTLEY GLEN FORT ET AL.

Defendant

FOLLOWING MEDIATION THE PARTIES HAVE REACHED A SETTLEMENT
AGREEMENT AND WILL FILE APPROPRIATE PAPERS.

7/29/08
Date


Attorney for Plaintiff

7/29/08
Date


Attorney for Defendant

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Thank you.

| | | |
|---|--------------------------------------|--|
| To: | Hon. William Connor, U.S.D.J. | Fax #: (914) 390-4170 |
| cc: | Terri Simon, Mediator | Fax #: (914) 725-8950 |
| | Michael Forrester, Esq. | Fax #: (845) 562-9025 |
| From: | Rhett D. Weires | Pages (including this cover sheet): 3 |
| Date: | September 4, 2008 | File #: 10127-56284 |
| Re: Dayton v. Fort, Provost & Provost d/b/a Juggie's Concessions | | |
| Case No. 07 CIV. 8643 (WCC) | | |

Enclosed please find a copy of the Stipulation of Voluntary Dismissal Pursuant to FRCP 41(a)(1)(A)(ii) being filed with the Clerk of the U.S. District Court, along with a copy of the mediation settlement agreement signed by all parties in the above matter, thus obviating the need for an appearance before Judge Conner on September 5, 2008 at 10:15 a.m.

If problems of clarity or transmission arise, please call Linda Fisher at 845-565-1100, Ext. 253.